

#22
Decl.
06.20.03

DOCKET NO. : 2303-1-5/E-142-96/3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Brian R. Murphy et al.

Serial No.: 09/083,793

Filed: May 22, 1998

For: PRODUCTION OF ATTENUATED
PARAINFLUENZA VIRUS
VACCINES FROM CLONED
NUCLEOTIDE SEQUENCES

)
)
) Examiner: M. Mosher
)
) Group Art Unit: 1648
)
) DEPOSIT DECLARATION OF
) BRIAN R. MURPHY
)
)
)
)

DATE OF DEPOSIT:

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST CLASS MAIL,
POSTAGE PREPAID ON THE DATE INDICATED
ABOVE AND IS ADDRESSED TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450

Donna M. Zimmerman
TYPED NAME: Donna Zimmerman

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, BRIAN R. MURPHY, hereby declare and state:

1. I am an inventor in the above-captioned application.
2. Attached to this Declaration is what I am informed and believe to be a true copy of a receipt dated August 8, 1997, of a deposit of biological materials made by myself or by others under my direction. The following deposit was made with the

American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA

20110-2209 in accordance with the Budapest Treaty:

Respiratory Syncytial Virus (RSV) Subgroup B cp23 Clone 1A2
deposited July 15, 1997, accorded ATCC Accession Number VR-2579.

Human respiratory syncytial virus mutant RSV A2 cpts-248 deposited
March 22, 1994, accorded ATCC Accession Number VR-2450.

Human respiratory syncytial virus mutant RSV A2 cpts-530/1009
deposited March 22, 1994, accorded ATCC Accession Number VR-
2451.

Human respiratory syncytial virus mutant RSV A2 cpts-230 deposited
March 22, 1994, accorded ATCC Accession Number VR-2452.

Human respiratory syncytial virus mutant RSV A2 cpts-248/955
deposited March 22, 1994, accorded ATCC Accession Number VR-
2453.

Human respiratory syncytial virus mutant RSV A2 cpts-248/404
deposited March 22, 1994, accorded ATCC Accession Number VR-
2454.

Human respiratory syncytial virus mutant RSV A2 cpts-530/1030
deposited March 22, 1994, accorded ATCC Accession Number VR-
2455.

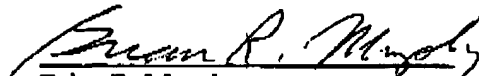
Human respiratory syncytial virus (RSV), Subgroup B, Strain B1, cp52
Clone 2B5 deposited September 26, 1996, accorded ATCC Accession
Number VR-2450, 2542

3. The ATCC is an International Depository Authority under the
Budapest Treaty. The above identified deposit has thus been accepted by an
International Depository Authority under the provisions of the Budapest Treaty.
In accordance with the terms of the Budapest Treaty, all restrictions upon the
availability to the public of the deposited material will be irrevocably removed
upon the granting of a patent on this application and the deposit will be replaced
if viable samples cannot be dispensed by the depository. The deposited material

will be maintained for a period of at least 30 years after the date of the deposit, or five years after the most recent request for a sample, whichever is longer.

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made, with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Dated: ~~May~~ ^{June} 3, 2003


Brian R. Murphy

Graybeal Jackson Haley LLP
155 108th Avenue N.E.
Suite 350
Bellevue, WA 98004-5973